



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Thirteenth day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.12995 of 2017

1 BENJAMIN
2 MILTON
3 KATHIRESAN

... PETITIONERS / ACCUSED NO.9,10 & 11

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
BUDALUR POLICE STATION, THANJAVUR DISTRICT.
(CRIME NO.146 OF 2017) ... RESPONDENT / COMPLAINANT

For Petitioners : M/S.B.JAMEEL ARASU Advocate

For Respondent : MR.T.MOHAN, Additional Public Prosecutor

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

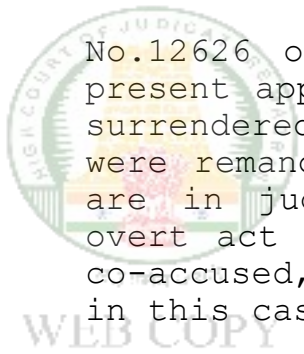
ORDER : The Court Made the following order :-

The petitioners/A9, A 10 & A11, who were arrested on 03.08.2017, for the offences punishable under Sections 364, 302 and 379 I.P.C., subsequently altered into Sections 147, 148, 341,364, 302 and 404 of IPC., in Crime No.146 of 2017, on the file of the respondent police, seek bail.

2. The case of the prosecution is that due to some business enmity between the deceased and one Prakash, on 13.07.2017 the petitioners along with other accused said to have kidnapped the deceased and murdered him.

3. The learned counsel appearing for the petitioners states that the petitioners are in judicial custody from 03.08.2017 onwards. A3 and A4 were granted anticipatory bail by this Court, as per order in Crl.O.P(MD).No.13006 of 2017, dated 27.09.2017. The petitioners herein have not participated in the occurrence, but they said to have informed the movement of the deceased to the other accused.

4. The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that there are totally 11 accused in this case and the petitioners herein are arrayed as Accused Nos. 9, 10 and 11 respectively. The earlier bail application moved on behalf of these petitioners in Crl.O.P(MD).



No.12626 of 2017 was dismissed by this Court on 22.09.2017. The present application is the second bail application. The petitioners surrendered before the learned Judicial Magistrate No.5, Trichy and were remanded to the judicial custody on 03.08.2017 and still they are in judicial custody. Investigation is pending. The specific overt act of the petitioners herein, as per the confession of the co-accused, they said to have informed the movement of the deceased in this case.

5. Considering the facts and circumstances of the case and also considering the fact that the accused persons were in judicial custody from 03.08.2017 onwards, this Court is inclined to grant bail to the petitioners, subject to certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruvaiyaru, Thanjavur District and on further condition that:

[a] the petitioners shall report before the respondent police, daily until further orders.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law, as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

sd/-

13/10/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE, THIRUVAIYARU, THANJAVUR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
- 4 THE INSPECTOR OF POLICE,
BUDALUR POLICE STATION, THANJAVUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.B.JAMEEL ARASU Advocate SR.No.32863

ORDER IN
CRL OP(MD) No.12995 of 2017
Date :13/10/2017